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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,147	03/28/2001	Eugene S. Dudash	LEAR 0847 PUS (2003 US)	3972

7590

10/07/2003

Mark E. Stuenkel  
Brooks & Kushman P.C.  
22nd Floor  
1000 Town Center  
Southfield, MI 48075-1351

EXAMINER
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COZART, JERMIE E

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 10/07/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,147

Applicant(s)

DUDASH ET AL.

Examiner

Jermie Cozart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Lavery (3,345,730).

AAPA discloses at page 1, lines 19-27 of the specification, that it is known to provide openings in the back frame tube and secure the tubes therein by welding.

AAPA, however, does not disclose swaging the guide tube to form a swaged portion engaged with the seat back frame to thereby secure the guide tube to the seat back frame, swaging the guide tube to form an additional swaged portion on the guide tube wherein the additional swaged portion cooperates with the swaged portion to secure the guide tube to the seat back frame. AAPA also does not disclose forming a first radially extending swaged portion on the guide tube, forming a second radially extending swaged portion on the guide tube such that the flat portion extends between the swaged portions, such that the swaged portions abut the flat portions to thereby secure the guide tube to the seat back frame.

Lavery discloses swaging a guide tube (1) to form a swaged portion (*overlapping portion of tube located above frame 3 in Figure 2*) engaged with a substantially flat section of a frame (3) to thereby secure the guide tube (1) to the frame (3), swaging the guide

tube (1) to form an additional swaged portion (*overlapping portion of tube located below frame 3 in Figure 2*) on the guide tube wherein the additional swaged portion (*overlapping portion of tube located below frame 3 in Figure 2*) cooperates with the swaged portion (*overlapping portion of tube located above frame 3 in Figure 2*) to secure the guide tube (1) to the frame (3). Lavery also discloses forming a first radially extending swaged portion (*overlapping portion of tube located above frame 3 in Figure 2*) on the guide tube (1), forming a second radially extending swaged portion (*overlapping portion of tube located below frame 3 in Figure 2*) on the guide tube such that a flat portion extends between the swaged portions, such that the swaged portions abut the flat portions to thereby secure the guide tube (1) to the frame (3). See column 1, line 67 – column 2, line 65, and Figures 1-2 for further clarification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the frame of AAPA to have a flat section, if not already, and make similar changes to attach the guide tubes of AAPA to the substantially flat section of the frame by swaging instead of welding, in light of the teachings of Lavery, in order to effectively join the tube to the frame without reducing the internal diameter of the tube.

3. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Shaver (3,327,385).

AAPA discloses at page 1, lines 19-27 of the specification, that it is known to provide openings in the back frame tube and secure the tubes therein by welding.

AAPA, however, does not disclose swaging the guide tube to form a swaged portion engaged with the seat back frame to thereby secure the guide tube to the seat back frame, swaging the guide tube to form an additional swaged portion on the guide tube wherein the additional swaged portion cooperates with the swaged portion to secure the guide tube to the seat back frame, or the step of swaging the guide tube to form an additional swaged portion is performed prior to the step of inserting the guide tube into the aperture. AAPA also does not disclose forming a first radially extending swaged portion on the guide tube, forming a second radially extending swaged portion on the guide tube such that the flat portion extends between the swaged portions, such that the swaged portions abut the flat portions to thereby secure the guide tube to the seat back frame.

Shaver discloses swaging a guide tube (40) to form a swaged portion (43) engaged with a frame (40) to thereby secure the guide tube (14) to the frame (40), swaging the guide tube (14) to form an additional swaged portion (13) on the guide tube wherein the additional swaged portion (13) cooperates with the swaged portion (43) to secure the guide tube (14) to the frame (40), the step of swaging the guide tube to form an additional swaged portion (13) is performed prior to the step of inserting the guide tube into the aperture. Loper also discloses forming a first radially extending swaged portion (13) on the guide tube (14), forming a second radially extending swaged portion (43) on the guide tube such that a flat portion extends between the swaged portions (13, 43), such that the swaged portions abut the flat portions to thereby secure the guide tube (14) to the frame (40). *See column 4, lines 6-24, and Figure 6 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to attach the guide tubes of AAPA to the frame by swaging instead of welding, in light of the teachings of Shaver, in order to effectively secure the ends of the members to one another.

### ***Conclusion***

4. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.
5. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on 703-308-1513. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

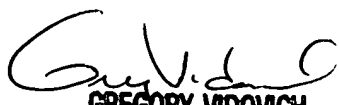
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	<a href="http://www.uspto.gov">http://www.uspto.gov</a>

  
**GREGORY VIDOVICH**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

JC   
September 10, 2003

  
**E. ROLLINS CROSS**  
GROUP DIRECTOR  
TECHNOLOGY CENTER 3700